

REMARKS

Claims 55-95 are copied substantially verbatim from U.S. Patent Application No. 08/848,077, Publication No. 2001/0042043, published November 15, 2001, for Shear et al. (hereinafter "Shear"). Added claims 55-95 correspond to Shear claims 1-2, 7, 10, 13, 19-29, 32, 35-39, 41, 44-46, 55, 65-67, 69-70, 73-74, 79, 80-81, 95-98, and 118, respectively. A one-to-one correspondence between the added claims and the Shear claims is shown in Table 1 below.

Added Claim No.	Shear Claim No.	Added Claim No.	Shear Claim No.
55	1	76	41
56	2	77	44
57	7	78	45
58	10	79	46
59	13	80	55
60	19	81	65
61	20	82	66
62	21	83	67
63	22	84	69
64	23	85	70
65	24	86	73
66	25	87	74
67	27	88	79
68	28	89	80
69	29	90	81
70	32	91	95
71	35	92	96
72	36	93	97
73	37	94	98
74	38	95	118
75	39		

Table 1

In accordance with 37 C.F.R. § 1.604, the copied claims may be specifically applied to Applicants' disclosure as follows:

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US 2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
<p>55. An electronic appliance including:</p>	<p>Applicants disclose a data processor (i.e., an electronic appliance). (p.8, l.25-p.9, l.9; p.17, ll.1-12).</p>
<p>a disk use arrangement for at least one of (a) reading information from, and (b) writing information to, a digital versatile disk optical storage medium; and</p>	<ul style="list-style-type: none"> Applicants disclose a data processor including a CPU, a bus, and a bulk storage device (i.e., a disk use arrangement) for data object usage (i.e., reading information from), and data object packaging (i.e., writing information to) related to storage media such as CD-ROM (i.e., substantially the same as a digital versatile disk optical storage medium). (p.8, l.25-p.9, l.9; p.11, l.21-p.12, l.22; p.17, ll.1-12; p.19, l.1-p.20, l.4). These disk functions can be combined into one electronic appliance since Applicants disclose the use of a broker who receives and transfers secure data packages. (p.8, ll.9-17). Therefore, Applicants disclose a disk use arrangement (i.e., a data processor including a CPU, a bus, and a bulk storage device) that is capable of reading information from and writing information to (i.e., data object usage and data object packaging) a digital versatile disk optical storage medium (i.e., storage media such as CD-ROM).

a secure node coupled to the disk use arrangement, the secure node providing at least one rights management process.

- Applicants disclose that the user's data processor is a general or special purpose processor (p.17, ll.2-3) requiring certain security modules for usage of the data object (i.e., a secure node) in accordance with control/usage data (i.e., providing a rights management process). (p.17, ll.15-16; p.18, ll.3-5; p.19, l.1-p.20, l.4).
- Applicants disclose that if the proper format and security modules are not available for a particular data object, usage is not permitted. (p.18, ll.3-5).
- Applicants further disclose that the user program can have code which controls use of the program by password. (p.18, ll.13-14).
- Applicants further disclose that the data object is never stored in native format in user accessible storage. (p.18, ll.22-24).
- Applicants further disclose that the data provider's data processor is considered secure. (p.9, ll.8-9).
- Therefore, Applicants disclose a secure node coupled to the disk use arrangement (i.e., a data processor with required security) that provides a rights management process (i.e., data object usage according to control/usage data).

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<p>56. An electronic appliance including:</p>	<p><i>See Claim 55 above.</i></p>
<p>a disk use arrangement for at least one of (a) reading information from, and (b) writing information to, a digital versatile disk optical storage medium; and</p>	<p><i>See Claim 55 above.</i></p>
<p>at least one processing arrangement coupled to the disk use arrangement, the processing arrangement selecting at least some control information associated with information recorded on the storage medium based at least in part on the class of the appliance and/or the user of the appliance.</p>	<p>Applicants disclose a user program stored in a user's data processor (i.e., a processing arrangement coupled to the disk use arrangement) that controls the usage of a data object (i.e., information recorded on a storage medium) in accordance with control data (i.e., control information) for example requiring a security procedure (i.e., class of the appliance) and/or a certain kind of user (i.e., the user of the appliance). (p.17, ll.1- 16; p.4, ll.11-20; p.19, l.1-p.20, l.4).</p>

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<p>57. In an appliance capable of using digital versatile disks, a method including the following steps:</p>	<p><i>See Claim 56 above.</i></p>
<p>at least one of (a) reading information from, and (b) writing information to, a digital versatile disk optical storage medium; and</p>	<p><i>See Claim 56 above.</i></p>
<p>selecting at least some control information associated with information recorded on the storage medium based at least in part on the class of the appliance and/or the user of the appliance.</p>	<p><i>See Claim 56 above.</i></p>

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<p>58. An electronic appliance including:</p>	<p><i>See Claim 55 above.</i></p>
<p>a disk use arrangement for reading information from a digital versatile disk optical storage medium; and</p>	<p><i>See Claim 55 above.</i></p>
<p>at least one processing arrangement coupled to the disk use arrangement, the processing arrangement protecting information read from the storage medium.</p>	<ul style="list-style-type: none"> • <i>See Claims 55 and 56 above.</i> • Applicants disclose a user program stored in a user's data processor that controls the usage of a data object (i.e., information read from a storage medium) in accordance with control data (i.e., protecting the information). (p.17, ll.1-16; p.4, ll.11-20). • Applicants further disclose that the data object is never stored in native format in user accessible storage. (p.18, ll.22-24).

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59. In an electronic appliance, a method including the following steps:	<i>See Claim 58 above.</i>
reading information from a digital versatile disk optical storage medium; and	<i>See Claim 58 above.</i>
protecting the information read from the optical storage medium.	<i>See Claim 58 above.</i>

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<p>60. An electronic appliance including:</p>	<p><i>See Claim 56 above.</i></p>
<p>a disk use arrangement for using information stored, or to be stored, on a digital versatile disk optical storage medium; and</p>	<p><i>See Claim 56 above.</i></p>
<p>at least one rights management arrangement coupled to the disk use arrangement, the rights management arrangement treating the storage medium and/or information obtained from the storage medium differently depending on the geographical and/or jurisdictional context of the appliance.</p>	<ul style="list-style-type: none"> • <i>See Claim 56 above.</i> • Applicants disclose a user program stored in a user's data processor (i.e., a rights management arrangement coupled to the disk use arrangement) that controls the usage of a data object (i.e., information obtained from a storage medium) in accordance with control data that can include a geographical area for usage and the kind of user allowed (i.e., the geographical and/or jurisdictional context). (p.17, ll.1-16; p.4, ll.11-20).

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<p>61. In an electronic appliance, a method including the steps of:</p>	<p><i>See Claim 60 above.</i></p>
<p>reading information from at least one digital versatile disk; and</p>	<p><i>See Claim 60 above.</i></p>
<p>performing at least one rights management operation based at least in part on the geographical and/or jurisdictional context of the appliance.</p>	<p><i>See Claim 60 above.</i></p>

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<p>62. An electronic appliance including:</p>	<p><i>See Claim 60 above.</i></p>
<p>a disk use arrangement for using at least one secure container stored on a digital versatile disk optical storage medium; and</p>	<ul style="list-style-type: none"> • <i>See Claim 60 above.</i> • Applicants disclose a data processor including a data packaging program that can store a secure data package (i.e., a secure container) on storage media such as CD-ROM for distribution. (p.12, ll.19-22).
<p>at least one rights management arrangement coupled to the disk use arrangement, the rights management arrangement processing the secure container.</p>	<ul style="list-style-type: none"> • <i>See Claim 60 above.</i> • Applicants disclose a data processor including a user program for controlling the usage of a data object in the secure data package (i.e., processing the secure container). (p.17, ll.15-16; p.19, l.1-p.20, l.4).

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<p>63. In an electronic appliance, a method including the following steps:</p>	<p><i>See Claim 62 above.</i></p>
<p>reading at least one secure container from at least one digital versatile disk; and</p>	<p><i>See Claim 62 above.</i></p>
<p>performing at least one rights management operation on the secure container.</p>	<p><i>See Claim 62 above.</i></p>

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<p>64. An electronic appliance including:</p>	<p><i>See Claim 62 above.</i></p>
<p>at least one rights management arrangement for generating and/or modifying at least one secure container for storage onto a digital versatile disk optical storage medium.</p>	<p><i>See Claim 62 above.</i></p>

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<p>65. In an electronic appliance, a method including the step of performing at least one rights management operation on at least one secure container for storage onto a digital versatile disk optical storage medium.</p>	<p><i>See Claim 62 above.</i></p>

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<p>66. A digital versatile disk use system and/or method characterized in that the system and/or method uses at least one secure container.</p>	<p><i>See Claim 62 above.</i></p>

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67. An electronic appliance including:	<i>See Claim 55 above.</i>
a disk use arrangement for writing information onto and/or reading information from a digital versatile disk optical storage medium; and	<i>See Claim 55 above.</i>

a secure arrangement that securely manages information on the storage medium such that at least a first portion of the information may be used on at least a first class of appliance while at least a second portion of the information may be used on at least a second class of appliance.

- See Claims 55 and 56 above.
- Applicants disclose variable object control and/or security in which variation of object control and/or security can be applied to a particular object by creating a control data format with control elements defining the control and/or security variation and the circumstances in which the variation is applied. (p.23, l.3-p.24, l.9).
- Applicants disclose an example of a broker allowing students to print a particular article for free but requiring business users to pay. (p.23, ll.9-12).
- Applicants disclose an example of a broker applying minimal security to a collection of current news articles (i.e., a first portion of information may be used on a first class of appliance) but applying tight security to encyclopedia and text books (i.e., a second portion of information may be used on a second class of appliance). (p.23, ll.23-25).
- Applicants further disclose that object security is extensible in the sense that multiple levels of security can be applied. (p.23, ll.26-30).
- Applicants further disclose composite data objects with constituent objects retaining their original control data to control usage. (p.24, ll.27-31).
- See Shear et al., Pub. No. US 2001/0042043, para.34 (class of appliance refers to, for example, type of appliance, available resources and/or rights).

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<p>68. In an electronic appliance, a method including the following steps:</p>	<p><i>See Claim 67 above.</i></p>
<p>reading information from and/or writing information to at least one digital versatile disk optical storage medium;</p>	<p><i>See Claim 67 above.</i></p>
<p>using at least a first portion of the information on at least a first class of appliance; and</p>	<p><i>See Claim 67 above.</i></p>
<p>using at least a second portion of the information on at least a second class of appliance.</p>	<p><i>See Claim 67 above.</i></p>

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<p>69. A system including first and second classes of electronic appliances each including a secure processing arrangement, the first appliance class secure arrangement securely managing and/or using at least a first portion of the information, the second appliance class secure arrangement securely managing and/or using at least a second portion of the information.</p>	<ul style="list-style-type: none"> • See Claim 67 above. • Applicants disclose a data provider's data processor and a user's data processor, in which usage of a data object will not be permitted without the proper format and security modules. (p.18, ll.1-5). • Applicants further disclose a broker's data processor (p.8, ll.9-17), a bulletin board service's data processor (p.20, ll.9-11), and a stock trading company's data processor (p.26, ll.25-27). • Thus, a system including first and second classes is disclosed.

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<p>70. In a system including first and second classes of electronic appliances each including a secure arrangement, a method comprising:</p>	<p><i>See Claim 69 above.</i></p>
<p>(a) securely managing and/or using at least a first portion of the information with the first appliance class secure arrangement, and</p>	<p><i>See Claim 69 above.</i></p>
<p>(b) securely managing and/or using at least a second portion of the information with the second appliance class secure arrangement.</p>	<p><i>See Claim 69 above.</i></p>

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<p>71. An electronic appliance including:</p>	<p><i>See Claim 55 above.</i></p>
<p>a disk use arrangement for writing information onto and/or reading information from a digital versatile disk optical storage medium; and</p>	<p><i>See Claim 55 above.</i></p>
<p>a secure arrangement that securely stores and/or transmits information associated with at least one of payment, auditing, controlling and/or otherwise managing content recorded on the storage medium.</p>	<ul style="list-style-type: none"> • <i>See Claims 55 and 56 above.</i> • Applicants disclose a data processor (i.e., a secure arrangement) that controls the usage of a data object in accordance with control data (i.e., information associated with managing content recorded on the storage medium) that can include a claim to payment, number of usages (i.e., auditing), and allowed operations (i.e., controlling). (p.17, ll.15-16; p.4, ll.11-20; p.19, l.1-p.20, l.4).

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<p>72. In an electronic appliance, a method including the following steps:</p>	<p><i>See Claim 71 above.</i></p>
<p>reading information from and/or writing information to at least one digital versatile disk optical storage medium; and</p>	<p><i>See Claim 71 above.</i></p>
<p>securely storing and/or transmitting information associated with at least one of payment, auditing, controlling and/or otherwise managing content recorded on the storage medium.</p>	<p><i>See Claim 71 above.</i></p>

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<p>73. An electronic appliance including:</p>	<p><i>See Claim 71 above.</i></p>
<p>a disk use arrangement for writing information onto and/or reading information from a digital versatile disk optical storage medium;</p>	<p><i>See Claim 71 above.</i></p>
<p>a cryptographic engine coupled to the disk use arrangement, the engine using at least one cryptographic key; and</p>	<ul style="list-style-type: none"> • Applicants disclose encryption modules and security modules (i.e., a cryptographic engine) are part of a data processor's (i.e., a disk use arrangement) program. (p.9, ll.15-18; p.17, ll.17-20). • Applicants disclose that a security module containing an encryption algorithm involving keys, such as RSA, could be used. (p.21, ll.17-31).
<p>a secure arrangement that securely updates and/or replaces at least one cryptographic key used by the cryptographic engine to at least in part modify the scope of information usable by the appliance.</p>	<ul style="list-style-type: none"> • <i>See Claim 67 above.</i> • Applicants disclose that variation of object security (i.e., update and/or replacement of keys to modify information usage) can be applied to a particular object by creating a control data format with control elements defining the security variation and the circumstances in which the variation is applied. (p.23, ll.16-26). • Thus, it is inherent that an arrangement that updates and/or replaces a cryptographic key to modify the scope of information usable by the appliance is disclosed.

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<p>74. A method of operating an electronic appliance including:</p>	<p><i>See Claim 73 above.</i></p>
<p>writing information onto and/or reading information from a digital versatile disk optical storage medium;</p>	<p><i>See Claim 73 above.</i></p>
<p>using at least one cryptographic key in conjunction with said information; and</p>	<p><i>See Claim 73 above.</i></p>
<p>securely updating and/or replacing at least one cryptographic key used by the cryptographic engine key used by the cryptographic engine to at least in part modify the scope of information useable by the appliance.</p>	<p><i>See Claim 73 above.</i></p>

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<p>75. A digital versatile disk appliance characterized in that at least one cryptographic key used by the appliance is securely updated and/or replaced to at least in part modify the scope of information that can be used by the appliance.</p>	<p><i>See Claim 73 above.</i></p>

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<p>76. An electronic appliance having a class associated therewith, characterized in that at least one cryptographic key set used by the appliance class is selected to help ensure security of information released from at least one digital versatile disk.</p>	<ul style="list-style-type: none"> • Applicants disclose that a security module containing an encryption algorithm involving keys, such as RSA, could be used. (p.21, ll.17-31). • Applicants further disclose that object security is extensible in the sense that multiple levels of security can be applied. (p.23, ll.26-30). • Thus, it is inherent that a cryptographic key set used by the appliance class is disclosed.

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<p>77. In an electronic appliance including a disk use arrangement, a method comprising:</p>	<p><i>See Claim 55 above.</i></p>
<p>reading information from at least one digital versatile disk optical storage medium; and</p>	<p><i>See Claim 55 above.</i></p>
<p>persistently protecting at least some of the read information through at least one subsequent editing and/or production process.</p>	<ul style="list-style-type: none"> • Applicants disclose that when a user has finished usage of the data object, the user program restores the data package in the secure form (the data object and the usage elements are reconcatenated and reencrypted). (p.8, ll.20-21; p.19, l.31-p.20, l.3). • Applicants disclose a usage condition can be to not permit further cutting or pasting. (p.12, ll.25-29). • Applicants disclose a security module may implement an authorization process in which each usage of the data object requires a dialup to the data processor of the data object provider, resulting in a permanent data object security. (p.22, ll.1-12). • Applicants disclose composite data objects comprising constituent objects with control data controlling each constituent object usage and control data controlling the composite object usage. Constituent objects may be combined or separately used while retaining their original control data (i.e., protecting the information through an editing and/or production process). (p.24, l.11-p.25, l.3).

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<p>78. In an electronic appliance, a method including the following steps:</p>	<p><i>See Claim 67 above.</i></p>
<p>reading information from and/or writing information to at least one digital versatile disk optical storage medium; and</p>	<p><i>See Claim 67 above.</i></p>
<p>securely managing information on the storage medium, including the step of using at least a first portion of the information on at least a first class of appliance, and using at least a second portion of the information on at least a second class of appliance.</p>	<p><i>See Claim 67 above.</i></p>

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<p>79. A method of providing copy protection and/or use rights management of at least one digital property content and/or secure container to be stored and/or distributed on a digital versatile disk medium, comprising the step(s) of:</p>	<p>Applicants disclose a method for managing a data object, securely packaged by encryption, to be stored and/or distributed on a storage medium such as CD-ROM. (p.7, l.23-p.8, l.17; p.12, ll.19-22).</p>
<p>providing a set of use control(s) within a cryptographically encapsulated data structure having a predetermined format, the data structure format defining at least one secure software container for providing use rights information for digital property content to be stored on the digital versatile disk medium.</p>	<ul style="list-style-type: none"> • Applicants disclose control data comprising usage control elements (i.e., use controls) as part of an encrypted data object package (i.e., a data structure). (p.4, ll.11-13; p.5, ll.7-10). • The control data may have a format that is unique or defined according to a standard. (p.11, ll.14-19). • Applicants disclose that the control data is concatenated with a copy of the data object. At least the usage control elements and the data object are encrypted so that the data object cannot be used without a user program which performs the usage control and which decrypts the data object (i.e., cryptographically encapsulated), and alternatively, the whole set of control data and the data object may be encrypted (i.e., cryptographically encapsulated). (p.4, ll.21-28; FIGS.9&17).

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<p>80. An arrangement for implementing a rights management system for controlling copy protection, use and/or distribution rights to multi-media digital property content stored or otherwise contained on a digital versatile disk, comprising:</p>	<p><i>See Claim 79 above.</i></p>
<p>an encrypted data structure defining a secure information container stored on an optical disk medium, the encrypted data structure including and/or referencing at least one content object and at least one control object associated with the content object, said content object comprising digital property content and said control object comprising rules defining use rights to the digital property content.</p>	<p><i>See Claim 79 above.</i></p>

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US 2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
<p>81. A rights management system for providing copy protection, use and/or distribution rights management for multimedia digital property content stored or otherwise contained on a digital versatile disk for access by an optical disk player device that uses digital property content stored on said optical disk medium, wherein said appliance includes a microprocessor controller for decrypting and using control rules and other selected encrypted information content encapsulated in the secure container by using a prescribed cryptographic key and applying said decrypted control rules to regulate use in accordance with control information contained within said control rules, so as to facilitate management of a diverse set of use and/or distribution rights which may be specific to different users and/or optical disk appliances, the system including:</p>	<ul style="list-style-type: none"> • See Claim 79 above. • Applicants disclose that a security module containing an encryption algorithm involving keys, such as RSA, can be used. (p.21, ll.17-31).
<p>an optical disk medium having stored thereon an encrypted data structure defining a secure information container, the encrypted data structure comprising and/or referencing at least one content object and at least one control object, said content object comprising digital property content, said control object comprising rules defining use rights associated with the digital property.</p>	<p>See Claim 79 above.</p>

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US 2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
<p>82. A method for providing copy protection, use and distribution rights management of multi-media digital property stored on and/or distributed via digital versatile disk, said optical disk medium having stored thereon an encrypted data structure defining a secure container for housing rights and/or copy protection information pertaining to digital property content stored on the optical disk, wherein an optical disk player appliance for using digital property content stored on an optical disk must utilize a prescribed secure cryptographic key or set of keys to use the secure container, said data structure comprising one or more content objects comprising digital property content and one or more control objects comprising a set of rules defining use right to digital property, comprising the steps of:</p>	<p><i>See Claims 79 and 81 above.</i></p>
<p>(a) decrypting control rules and other selected encrypted information content encapsulated in the secure container using one or more cryptographic keys; and</p>	<p><i>See Claims 79 and 81 above.</i></p>

(b) applying decrypted control rules to regulate use and/or distribution of digital property content stored on the optical disk in accordance with control information contained within the control rules, so as to provide customized use and/or distribution rights that are specific to different optical disk user platforms and/or optical disk appliances.

- See Claims 79 and 81 above.
- Applicants disclose a data package may include control data which is specifically adapted to a user. (p.7, l.28-p.8, l.8).
- Applicants disclose that the data provider may define any number of control elements to represent his predetermined conditions of usage of the data object (p.11, ll.3-4), including kind of user and security procedures required. (p.4, ll.11-20).
- Thus, it is inherent that rights that are specific to different "optical disk user platforms and/or optical disk appliances" is disclosed.

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US 2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
<p>83. A rights management system for providing copy protection, use and/or distribution rights management of digital property stored or otherwise contained on a digital versatile disk, comprising:</p>	<p><i>See Claim 79 above.</i></p>
<p>a secure container means provided on an optical disk medium for cryptographically encapsulating digital property content stored on the optical disk, said container means comprising a content object means for containing digital property content and a control object means for containing control rules for regulating use and/or distribution of said digital property content stored on the optical disk.</p>	<p><i>See Claim 79 above.</i></p>

<p align="center">Copied Claim From InterTrust Published Patent Application</p> <p align="center">(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p align="center">Applicants' Disclosure in Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>84. In a system including plural electronic appliances at least temporarily connected to one another, a rights authority broker that determines what appliances are connected and specifies at least one rights management context depending on said determination.</p>	<ul style="list-style-type: none"> • Applicants disclose a system in which data processors (i.e., plural electronic appliances) are connected to one another. (p.19, ll.1-12). • Applicants disclose that an object author may send his data object to a broker (p.8, ll.9-17) who distributes the data object to users. • Applicants disclose that a user can be required to comply with a request for authorization process through the broker (p.22, ll.1-12) at which time the broker can check parameters including that the object has not already been loaded (p.24, ll.1-2) utilizing a user set of control data (p.8, ll.1-8). • Applicants disclose that the data provider (or broker) may define any number of control elements to represent his predetermined conditions of usage of the data object (p.11, ll.3-4), including kind of user and security procedures required. (p.4, ll.11-20). • Thus, it is inherent that a broker could determine what "appliances" are connected and specify rights that are dependent on the determination.

<p align="center">Copied Claim From InterTrust Published Patent Application</p> <p align="center">(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p align="center">Applicants' Disclosure in Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>85. An electronic appliance at least temporarily connected to a rights authority broker, the electronic appliance receiving at least one rights context from the rights authority broker when the device is connected to the rights authority broker.</p>	<p><i>See Claim 84 above.</i></p>

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
86. A method of defining at least one rights management context comprising:	<i>See Claim 84 above.</i>
(a) determining whether a first electronic appliance is present; and	<i>See Claim 84 above.</i>
(b) defining at least one rights management control set based at least in part on the determining step (a).	<i>See Claim 84 above.</i>

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
<p>87. A method of defining at least one rights management context including:</p>	<p><i>See Claim 84 above.</i></p>
<p>(a) coupling an optical disk storing information to an electronic appliance that can be selectively connected to a rights management broker;</p>	<p><i>See Claim 84 above.</i></p>
<p>(b) determining whether the electronic appliance is currently coupled to a rights management broker; and</p>	<p><i>See Claim 84 above.</i></p>
<p>(c) conditioning at least one aspect of use of at least some of the information stored on the optical disk based on whether the electronic appliance is coupled to the rights management broker.</p>	<p><i>See Claim 84 above.</i></p>

<p align="center">Copied Claim From InterTrust Published Patent Application</p> <p align="center">(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p align="center">Applicants' Disclosure in Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>88. An electronic appliance including:</p>	<p><i>See Claim 55 above.</i></p>
<p>an optical disk reading and/or writing arrangement;</p>	<p><i>See Claim 55 above.</i></p>
<p>a secure node coupled to the optical disk reading and/or writing arrangement, the secure node performing at least one rights management related function with respect to at least some information read by the optical disk reading and/or writing arrangement; and</p>	<p><i>See Claim 55 above.</i></p>
<p>at least one serial bus port coupled to the secure node, the serial bus port for providing any or all of the functions, structures, protocols and/or methods of IEEE 1394-1995.</p>	<ul style="list-style-type: none"> • Applicants disclose that a data processor includes a display, a keyboard, a printer, a sound system, and other conventional means may be connected to a bus. (p.8, l.25-p.9, l.9; p.17, ll.1-12). • Thus, a "serial bus port coupled to the secure node" is inherently disclosed.

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
<p>89. A digital versatile disk appliance including:</p>	<p><i>See Claim 55 above.</i></p>
<p>means for watermarking content; and</p>	<ul style="list-style-type: none"> • Applicants disclose that the data object can consist of digital data, analog data or a combination or hybrid of analog and digital data. (p.4, ll.3-5). • Applicants disclose that security modules utilizing encryption algorithms and authorization processes may be used. (p.21, l.17-p.22, l.12). • Thus, means for watermarking information into the file is inherently disclosed.
<p>serial bus means for communicating the watermarked content,</p>	<p><i>See Claim 88 above.</i></p>
<p>wherein the serial bus means complies with IEEE 1394-1995.</p>	<p><i>See Claim 88 above.</i></p>

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<p>90. An optical disk reading and/or writing device including:</p>	<p><i>See Claim 88 above.</i></p>
<p>at least one secure node capable of watermarking content and/or processing watermarked content; and</p>	<p><i>See Claim 88 above.</i></p>
<p>an IEEE 1394-1995 serial bus port.</p>	<p><i>See Claim 88 above.</i></p>

<p align="center">Copied Claim From InterTrust Published Patent Application</p> <p align="center">(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p align="center">Applicants' Disclosure in Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>91. An optical disk using system and/or method including at least some of the elements shown in FIG. 1.</p>	<ul style="list-style-type: none"> • This claim corresponds to Shear's claim 95 that refers to FIG. 3. • Applicants at least disclose a data object 24, control data, and secured data packages 40 in FIG. 1.

<p align="center">Copied Claim From InterTrust Published Patent Application</p> <p align="center">(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p align="center">Applicants' Disclosure in Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>92. An optical disk using system and/or method using at least some of the elements shown in FIG. 17.</p>	<ul style="list-style-type: none"> • This claim corresponds to Shear's claim 96 that refers to FIG. 3A. • Applicants at least disclose an encrypted data package including data object(s) and control data.

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<p>93. An optical disk using system and/or method using at least some of the control set elements shown in FIG. 8a.</p>	<ul style="list-style-type: none"> • This claim corresponds to Shear's claim 97 that refers to FIG. 3B. • Applicants at least disclose an identifier, control data, and control elements.

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<p>94. An optical disk using system and/or method using at least some of the elements shown in FIG. 15.</p>	<ul style="list-style-type: none"> • This claim corresponds to Shear's claim 98 that refers to FIG. 4A. • Applicants at least disclose receiving a data package, a usage request, compliance with control conditions, and enabled usage.

<p>Copied Claim From InterTrust Published Patent Application</p> <p>(Shear et al., Pub. No. US2001/0042043 A1)</p>	<p>Applicants' Disclosure in Appl. No. 09/321,386</p> <p>(MDNA1.C2.US) (M-15081US)</p>
<p>95. In a network including at least one electronic appliance that reads information from and/or writes information to at least one digital versatile disk optical storage medium, and securely communicates information associated with at least one of payment, auditing, usage, access, controlling and/or otherwise managing content recorded on the storage medium, a method of processing said communicated information including the step of generating at least one payment request and/or order based at least in part on the information.</p>	<ul style="list-style-type: none"> • See Claims 71 and 72 above. • Applicants disclose that managing of the broker-user business relationship and negotiating of the transaction between the broker and the user can be automated, and the control data structure can provide unlimited support to these operations. Payment for using a data object can be handled by transmitting credit card information, or the user can have a debit or credit account with the broker. (p.14, ll.24-30).

Pursuant to 37 C.F.R. §1.604(a)(1), Applicants propose at this time that each of the claims being copied be deemed a count for the purposes of provoking an interference. However, we reserve the right to alter the counts if necessary.

The present application was filed on May 27, 1999 as a continuation of U.S. Patent Application No. 09/164,606, filed October 1, 1998, which in turn claimed priority to U.S. Patent Application No. 08/594,811, filed on January 31, 1996, now U.S. Patent No. 5,845,281, which in turn claimed priority to Swedish Application No. 9500355-4, filed on February 1, 1995. The present application is based on the same disclosure as U.S. Patent Application No. 08/594,811, now U.S. Patent No. 5,845,281, which contained the same disclosure as in Swedish Application No. 9500355-4. Thus, claims 55-95 are supported by the disclosure of Swedish Application No. 9500355-4 and are entitled to a priority date of February 1, 1995.

The aforementioned claims are copied from U.S. Patent Application No. 08/848,077, Publication No. 2001/0042043, published on November 15, 2001 for Shear as a continued prosecution application with a parent application filed on May 15, 1997. Thus, because the present application has a priority date earlier than the priority date of Shear, Applicants allege that based at least upon priority of invention, Applicants are entitled to a judgment relative to Shear.

35 U.S.C. § 135(b) does not bar this amendment because the amendment is being filed within twelve months of the issuance date of the target patent, November 15, 2001.

CONCLUSION

Accordingly, Applicants respectfully request that an interference be declared between the present Applicants and the inventors of the aforementioned patent application. If there are any questions, please do not hesitate to call the undersigned at (949) 752-7040.

Express Mail Label No.:

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Respectfully submitted,



Alan H. MacPherson

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